

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH T. VAIL,)	
)	Civil Action
Plaintiff)	No. 2002-CV-02933
)	
vs.)	
)	
HARLEYSVILLE GROUP, INC.,)	
)	
Defendant)	

O R D E R

NOW, this 13th day of September, 2004, upon consideration of the Joint Motion to Continue Pre-trial Requirements and trial date Pending the Court's Ruling on Defendant's Summary Judgment Motion, which joint motion was filed August 16, 2004,

IT IS ORDERED that the motion is denied.¹

¹ In the within motion, the parties jointly request that the court continue all pre-trial requirements contained in the Jury Trial Attachment Order of the undersigned dated January 26, 2004. For the following reasons, we decline to grant the parties' joint motion.

By Order of the undersigned dated April 29, 2004 we approved the stipulation of the parties to extend the discovery and dispositive motion deadlines contained in our Rule 16 Status Conference Order dated January 16, 2004. At that time, at the direction of the undersigned, the parties were notified by telephone that the stipulation was approved only because it did not interfere with the trial date set to commence October 4, 2004. In the within motion, the parties now seek to extend the trial date and all other dates for submission of pre-trial materials because the court has not ruled on the defendant's motion for summary judgment. However, it was by agreement of the parties that the dispositive motion deadline was extended until July 15, 2004 from the original date of June 15, 2004.

It is the sense of this Order that the court has every intention of disposing of defendant's motion for summary judgment prior to the trial date. While there are numerous substantive issues contained in defendant's motion for summary judgment that may justify granting summary judgment, there is also an equal likelihood that summary judgment will be denied and a trial will be necessary. The parties do not want to prepare for trial in the event summary judgment is granted. However, the tight deadlines between the

(Footnote 1 continued):

IT IS FURTHER ORDERED that all deadlines set by the court in this matter remain in full force and effect.

BY THE COURT:

James Knoll Gardner
United States District Judge

(Continuation of footnote 1):

dispositive motion deadline and trial was the creation of the parties, not the court.

Accordingly, because it was the parties that have created the time constraints that this matter is now proceeding under, we decline to grant the parties joint motion for continuance and all deadlines previously set by the court remain in full force and effect.